

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
(WESTERN DIVISION)**

JAMES AND PHYLLIS SHAFFER,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.:
	)	
v.	)	4:18-cv-00601-NKL
	)	
HEALTH ACQUISITION COMPANY, LLC,	)	
EMPOWER H.I.S., LLC, PAUL L. NUSBAUM,	)	
STEVEN F. WHITE and JORGE A. PEREZ	)	
	)	
Defendants,	)	
	)	
HMC/CAH CONSOLIDATED, INC,	)	
	)	
Nominal-Defendant.	)	
_____	)	

**MOTION TO DISMISS FIRST AMENDED COMPLAINT OR, IN THE ALTERNATIVE,  
MOTION FOR A MORE DEFINITE STATEMENT, BY DEFENDANTS HEALTH  
ACQUISITION COMPANY, LLC, EMPOWER H.I.S., LLC, PAUL L. NUSBAUM,  
STEVEN F. WHITE AND JORGE A. PEREZ**

TAKE NOTICE that Defendants Health Acquisition Company, LLC, Empower H.I.S., LLC, Paul L. Nusbaum, Steven F. White and Jorge A. Perez (collectively, “Defendants”), by and through counsel, hereby move for an Order dismissing this matter pursuant to Fed. R. Civ. P. 12(b)(1), Fed. R. Civ. P. 12(b)(2), Fed. R. Civ. P. 12(b)(3) and Fed. R. Civ. P. 12(b)(6), relief under Fed. R. Civ. P. 19, and/or for a more definite statement pursuant to Fed. R. Civ. P. 12(e).

As grounds therefor, Defendants will rely upon the First Amended Complaint filed by Plaintiff [D.E. #21] as well as Defendants’ Memorandum of Law submitted contemporaneously with this Motion.

WHEREFORE, Defendants respectfully request the Court to grant the relief requested herein, together with such other, further and different relief the Court deems just, proper and equitable under the circumstances.

Respectfully submitted, this 20<sup>th</sup> day of November, 2018.

CHAPMAN AND COWHERD, P.C.

By: /s/ Lauren A. Horsman  
Lauren A. Horsman – Mo Bar No. 60982  
903 Jackson – P.O. Box 228  
Chillicothe, MO 64601  
Telephone: 660-646-0627  
Telefax: 660-646-1105  
E-mail: [lhorsman@cctlaw.com](mailto:lhorsman@cctlaw.com)  
ATTORNEY FOR DEFENDANTS  
HEALTH ACQUISITION COMPANY,  
LLC, EMPOWER H.I.S., LLC, PAUL L.  
NUSBAUM, STEVEN F. WHITE and  
JORGE A. PEREZ

FMS LAWYER PL

By: /s/ Frank Smith  
Frank Smith – FL Bar No. 069681  
9900 Stirling Road, Suite 226  
Cooper City, FL 33024  
Telephone: 954-985-1400  
Telefax: 954-241-6947  
Email: [frank.smith@fmslawyer.com](mailto:frank.smith@fmslawyer.com)  
ATTORNEY FOR DEFENDANTS  
HEALTH ACQUISITION COMPANY,  
LLC, EMPOWER H.I.S., LLC, PAUL L.  
NUSBAUM, STEVEN F. WHITE and  
JORGE A. PEREZ  
*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically via the Court's ECF system to:

*COUNSEL OF RECORD FOR PLAINTIFFS*

This 20<sup>th</sup> day of November, 2018.

CHAPMAN AND COWHERD, P.C.

By: /s/ *Lauren A. Horsman*  
Lauren A. Horsman